

ORIGINAL

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FILED
HARRISBURG, PA

MAY 28 2003

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Per [Signature]
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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BRETT CULVER,

Plaintiff

v.

COMMONWEALTH OF
PENNSYLVANIA, *et al.*,

Defendants

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NO. 1:CV-01-0904

(JUDGE KANE)

**DEFENDANTS' RESPONSE IN OPPOSITION TO
PLAINTIFF'S BRIEF FOR JUDGMENT MOTION**

This is a civil rights action brought pursuant to 42 U.S. §1983 alleging claims under the First, Fourth, Eighth and Fourteenth Amendments to the United States Constitution. Plaintiff, Brett Culver, is a prisoner currently incarcerated at SCI-Mahanoy, Pennsylvania. Defendants are several Pennsylvania Department of Corrections employees.

In his complaint, Culver alleges that his legal documents were illegally confiscated and as a result he was denied access to the Court. He further claims

that the defendants issued him false misconduct reports and subjected to retaliation and unjust punishment. On May 9, 2003, defendants filed a motion for summary judgment, statement of material facts and a supporting brief. On May 13, 2003, undersigned counsel received Culver's motion for judgment and supporting brief.¹ It appears from Culver's motion and brief that he is addressing the issues that defendants briefed in support of their motion for summary judgment filed on May 9, 2003.² For brevity reasons, defendants will not rebrief these claims; rather, they incorporate their brief filed on May 9, 2003 and respectfully direct the Court to that brief.

¹According to the docket, Culver's Motion was filed on May 14, 2003 and his brief was filed on May 12, 2003.

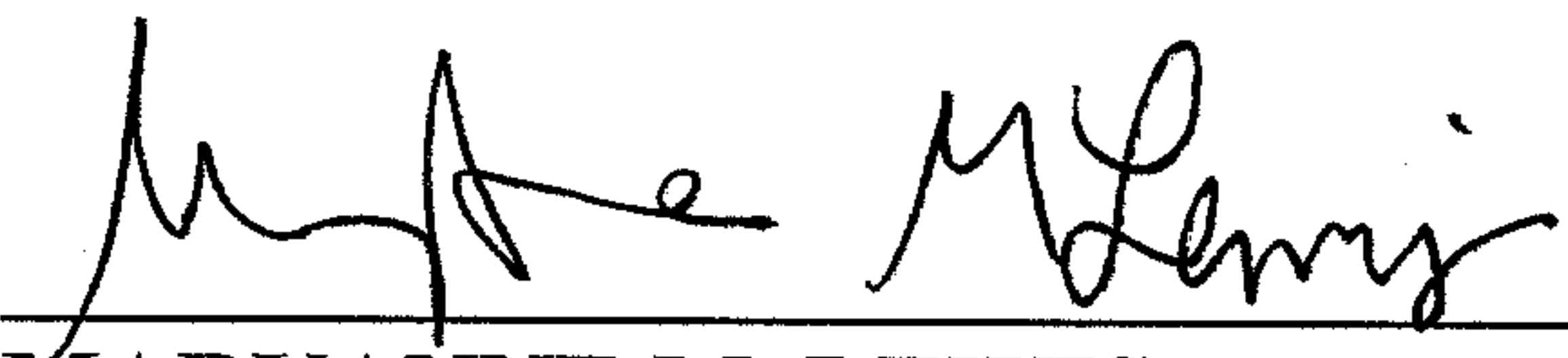
²On May 27, 2003, undersigned counsel received Culver's brief in opposition to defendants motion for summary judgment. Counsel will address those claims in a separate reply brief.

CONCLUSION

For the foregoing reasons, the Court should deny plaintiff's motion for judgment.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY: 
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SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

DATED: May 28, 2003

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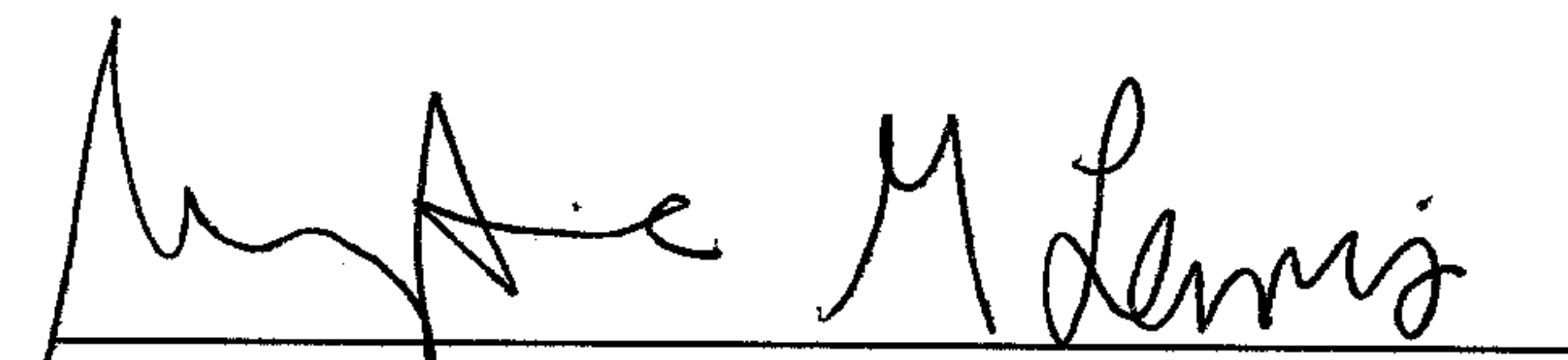
NO. 1:CV-01-0904

(JUDGE KANE)

CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify
that on May 28, 2003, I caused to be served a copy of the foregoing **Response In
Opposition to Plaintiff's Judgment Motion**, by depositing same in the United
States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Brett T. Culver, #DD 3483
SCI-Mahanoy
301 Morea Road
Frackville, PA 17932



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I.D. No. 83812